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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

BROOKSHIRE BROTHERS
HOLDINGS, INC., ET AL

: DOCKET NO. 04-1150

VS.

: JUDGE TRIMBLE

TOTAL CONTAINMENT INC., ET AL : MAGISTRATE JUDGE WILSON

JUDGMENT

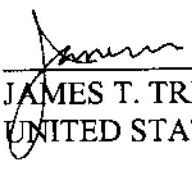
For the reasons set forth in the Memorandum Ruling of this date,

IT IS ORDERED, ADJUDGED AND DECREED that Motion for Summary Judgment (doc. #377) filed by defendant, Shell Chemical LP is hereby **GRANTED IN PART** and **DENIED IN PART**. The motion to dismiss all of Brookshire Brothers claims as time barred is **GRANTED** to the extent that all claims for injuries that occurred prior to August 15, 2002 have prescribed and are hereby dismissed; the motion to dismiss Brookshire Brothers' negligence claims because they are barred by the economic loss rule is hereby **GRANTED** to the extent that Texas law bars recovery for those damages that occurred in Texas, with the exception of damages to other property which includes land contamination in Texas, and **DENIED** to the extent that damages sustained in Louisiana are governed by Louisiana law and the economic loss rule does not apply; the motion to dismiss Brookshire Brothers' claims of products liability is hereby **DENIED**; and the motion to dismiss Brookshire Brothers' claims of breach of implied warranty and rehhibition is hereby **GRANTED**.

The Court determines that there is no just reason for delay and will direct entry of final

judgment under rule 54(b) of the Federal Rules of Civil Procedure.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 14 day of
September
August, 2006.



JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE